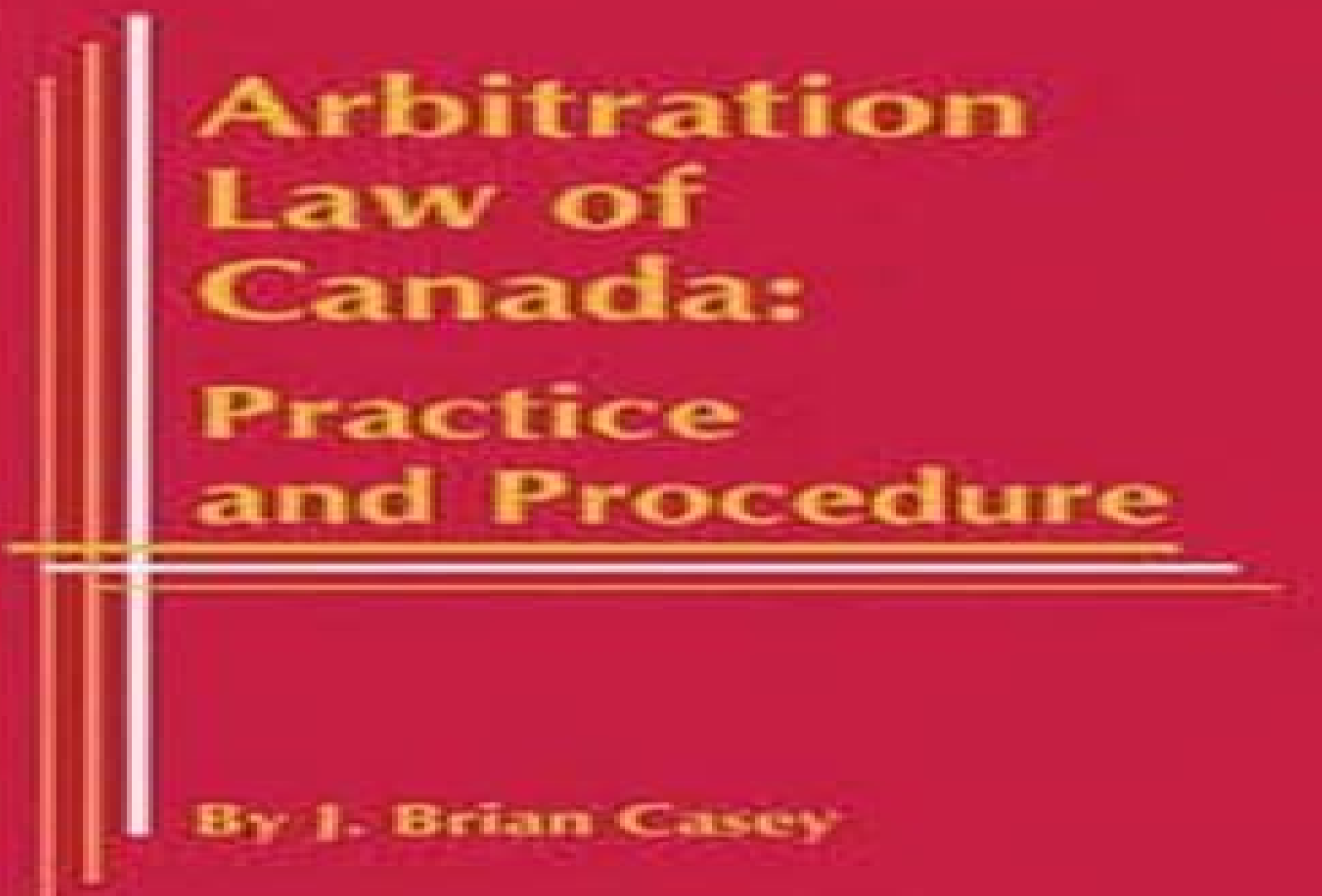




Arbitration Law of Canada: Practice and Procedure

By J. Brian Casey

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J Rink



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Arbitration Law of Canada J. Brian Casey, 2012-06-01 Arbitration Law of Canada provides the busy lawyer and arbitrator with a handy day to day reference work This is a comprehensive treatise on the law and practice of arbitration in Canada The text covers all aspects of commercial arbitration when to choose arbitration how to draft an effective arbitration clause how to choose an arbitrator the legal and practical aspects of arbitrating in Canada under both the UNCITRAL Model Law as well as domestic legislation and enforcing awards in Canada regardless of the jurisdiction in which they were made The book covers arbitration law in all the Canadian Provinces It is not only a definitive legal text but has been designed and organized to be a handy reference text for arbitration practitioners The second edition includes a revised and expanded index a complete index of cases and a number of additional practice notes The chapters dealing with court involvement in arbitration challenges and recognition of awards have been extensively revised to take into account the numerous court decisions released since the last edition

Arbitration Law of Canada J. Brian Casey, 2022 **Comparative Law Yearbook of International Business 2010** Dennis Campbell, 2010-11-01 This edition of the Comparative Law Yearbook of International Business provides a general examination of issues vital to the world s economic recovery In the field of company law practitioners examine changes in Russia s corporate law and the new Ukrainian law governing joint stock companies In the area of competition law lawyers review Serbia and Bulgaria s new laws on the protection of competition and the private enforcement of Articles 101 and 102 in Europe s national courts Dispute resolution occupies two chapters one dealing with best practices for drafting arbitration clauses and the other set aside recognition and enforcement of private commercial arbitration awards A further two chapters treat employment and labor matters relating to distribution and commercial representation indemnity upon termination and processing personal data in the employment context of Hungary In the area of financial services practitioners from five jurisdictions deal with fiduciary duty the European Commission s proposed Directive on Alternative Investment Fund Managers Swiss disclosure rules on significant shareholdings restructuring and refinancing routes for mortgage secured debt in Spain and insurance laws and regulations in Nigeria Foreign investment is examined by two authors reporting on 2008 and 2009 developments in investment treaty disputes and foreign investment in Indonesia Intellectual property issues are reviewed in chapters relating to the use of intellectual property as collateral in secured financing and intellectual property licensing in Canada Finally lawyers treat a variety of other issues including the tax law of Liechtenstein European Union Israel trade in the automobile sector insolvency risk and creditors rights in Peru the modernizing of trust law in Hong Kong and bridging cultural differences in international Transactions *Routledge Handbook on Transnational Commercial Law* Bruno Zeller, Camilla Baasch Andersen, 2025-02-21 This handbook edited by Zeller and Andersen is an indispensable contribution to the field of transnational commercial law With an introduction by Sir Roy Goode this book presents perspectives on legal issues of international sales transactions as perceived by world leading

experts exposing pragmatic and modern aspects of everything from drafting to uniform laws to dispute resolution The book divides itself between fundamental knowledge of transnational commercial law e g chapters on forum shopping CISG Cape Town Convention etc and current and topical developments e g chapters on blockchain smart contracts metaverse digital assets etc International or transnational trade during the past twenty years has become more and more important outstripping domestic trade as a hallmark of economic success Model laws developed by the United Nations and other international bodies are now being transplanted or ratified by countries so a translational element must always be considered as part of any choice of law Addressing a global audience as the instruments dealt with herein apply to many states in different regions this handbook aims not only at an undergraduate and graduate student audience but also will interest professional lawyers

International Arbitration Checklists - Second Edition Grant Hanessian, Lawrence W. Newman, 2009-04-01 Baker McKenzie has one of the world's largest and most successful international arbitration practices This book written by members of the International Dispute Resolution Practice Group of Baker McKenzie and others provides a practical experience based guide to international arbitration Each chapter begins with a checklist of issues to be considered at each stage of arbitration Topics include drafting arbitration clauses commencement of the case staying court proceedings compelling arbitration selection of the tribunal provisional relief conduct of hearings and enforcement of awards among many others Law and practice in each of the world's major arbitration centers is discussed Appendices provide ready access to arbitration treaties statutes and rules This book will be a standard reference for in house counsel and outside practitioners

International Arbitration and Mediation Michael McIlwrath, John Savage, 2010-01-01 This book is intended as an easily accessible desktop resource for lawyers who regularly counsel businesses when negotiating international deals and for those who represent the same clients in achieving a successful resolution when disputes emerge The text is divided into chapters that follow the life cycle of an international commercial dispute as seen through the eyes of the parties from when they agree how to resolve disputes in their contracts to the endgame of enforcement Additionally the appendices include a number of model submissions for further reference Provided by publisher *Baker & McKenzie*

International Arbitration Yearbook: 2011-2012 Baker & McKenzie, 2012-03-01 This is the fifth edition of the Baker McKenzie International Arbitration Yearbook an annual series established by the Firm in 2007 This collection of articles is comprised of reports in key jurisdictions around the globe on arbitration Leading lawyers of the Firm's International Arbitration Practice Group a division of the Firm's Global Dispute Resolution Practice Group report on recent developments in national laws relating to arbitration and address current arbitral trends and tendencies in the jurisdictions in which they practice This Yearbook highlights the more important recent developments in international arbitration without aspiring to be an exhaustive case reporter or a text book to arbitration in the broad sense This volume will prove a useful tool for those contemplating and using arbitration to resolve international business disputes

[The Investor-State Dispute Settlement](#)

System Alan M. Anderson, Ben Beaumont, 2020-11-27 Investor State disputes are increasing and damage awards are often significant. It is thus no surprise that the investor State dispute settlement ISDS system has come under scrutiny. Perceptions have arisen that ISDS is inconsistent, lacks transparency and is simply unfair. This book delves into the ongoing worldwide debate and discussions regarding the ISDS system. Drawing contributors from around the world, the authors provide insights on critical topics and address the key question facing the ISDS system and the international community it serves: Should the present ISDS system be reformed, replaced or simply remain as is? The contributors represent points of view ranging from academia to practice to governmental entities, addressing such topics as the possible consequences of wholesale replacement or elimination of the current ISDS system; mediation as an alternative to resolve ISDS disputes; the creation of a multinational investment court or appellate review mechanism; lack of an early dismissal mechanism to eliminate meritless claims; issues regarding arbitrators including their appointment and ethical obligations; how investors may retain their right to pursue claims for violations of investment protection following termination of an agreement; a State's right to assert a counterclaim against an investor claimant; the role of ISDS in promoting and protecting renewable energy production; the liability of State controlled entities; the effects and implications of third party funding; the duty to mitigate damages in the light of excessive damages awards and improvements; and issues relating to post award enforcement, duration and cost of ISDS. This book considers the ongoing deliberations and reform measures proposed by UNCITRAL's Working Group III and provides insights into how several geographic regions and economic cooperation areas have sought to address the question of reform of the ISDS system, including the European Union, the Middle East and the new United States-Mexico-Canada Agreement. With its much needed and deeply informed balancing of investor and State rights and duties, this book will be welcomed by all who practise in the ISDS field, including arbitrators, State governments and non governmental organizations, regional economic organizations and international investors.

Taming the Guerrilla in International Commercial Arbitration Navin G. Ahuja, 2022-05-23 The book explores the definition and nature of guerrilla tactics in international commercial arbitration. It analyses various such tactics deployed pre Covid and during Covid times and portrays them in a way that enables one to visualise how and possibly why they might be deployed. Attempts to codify ethical standards and rules regulating the behaviour of legal representatives in international arbitration are examined. The book covers a range of culture clashes, addresses several elephants in the room and looks at factors inherent in the arbitral process that create opportunities and increase temptations to misbehave. It considers the remedies and sanctions available in international arbitration and compares them to those available to the courts in civil litigation. In addition to recommendations for future research, the book offers solutions to curb the problem in line with party autonomy and with a critical analysis. This manuscript is an essential solutions based text that not only addresses a comprehensive range of modern day guerrilla tactics in international commercial arbitration but also offers thoughtful methods to deal with the shenanigans that parties may bring to the arbitral

process Chiann Bao Independent Arbitrator Arbitration Chambers and Vice President of the International Chamber of Commerce Court of Arbitration Dr Ahuja's book is a thoughtful and highly practical contribution to the study of procedures in international commercial arbitration. It is replete with scholarly analysis, careful treatment of authority, pragmatic insights and policy discussions. Any practitioner or student of international arbitration would benefit from this volume. Gary Born, Author International Commercial Arbitration 3d ed 2021. A highly readable and informative book which identifies and analyses the numerous guerrilla tactics parties may attempt to deploy in international commercial arbitration, the factors which may encourage such behaviour and practical mechanisms to keep the proceedings on track. Both erudite and practical, this book is a must read for parties, counsel and arbitrators alike. Prof Benjamin Hughes, Independent Arbitrator, The Arbitration Chambers. Guerrilla tactics are a pertinent problem in arbitration. Dr Ahuja's well-written book not only describes the various tactics in a succinct way but provides extremely useful guidance on how to tackle them. It will be a primary source of reference for every practitioner faced with such tactics. Prof Dr Stefan Kröll, Chairman of the Board of Directors of the German Arbitration Institute DIS. Taming the Guerrilla in International Commercial Arbitration offers a refreshingly candid and balanced discussion of sharp practices in international arbitration. The book collects a wealth of information on guerrilla tactics previously only available in separate survey reports, articles and guidelines on the topic. It additionally includes a chapter addressing tactics deployed in virtual or remote arbitrations due to the Covid 19 pandemic. The comprehensive research and analysis presented in this book make it a valuable resource to counsel, parties, arbitrators, academics and those who deliver practical arbitration training. A must read for those who want to better understand the practices that may lead some to disfavor arbitration and ways the arbitration community can respond to guerrilla tactics to improve the arbitration process for all participants. Dana MacGrath, Independent Arbitrator. MacGrath Arbitration. From an unreasoned fiat of a wise man who left both sides equally unhappy but resolved the disputes effectively, arbitration has evolved into a full scale trial before a party chosen tribunal. Its informality and expedition puts in peril the fundamental right of the recalcitrant to delay proceedings. Dr Ahuja has assiduously articulated the measures aptly christened Guerrilla Tactics used to disrupt and derail arbitrations. An indispensable read for the practitioner and an insightful treatise for the policy maker. Harish Salve, SA, QC, Blackstone Chambers. This book shines a spotlight on arbitration's dark arts guerrilla tactics. Dr Ahuja illuminates this shadowy world with excellent and much needed scholarship that is practice based and useful for all stakeholders in arbitration. His examination of the root causes of this problem, recommendations on how to control it, comparisons with litigation practice and suggestions for future research marvellously combine to make this a work that is required to be consulted by all serious counsel, arbitrators, institutions and academics in the field of arbitration. Romesh Weeramantry, Head International Dispute Resolution Centre for International Law, National University of Singapore. Due Process as a Limit to Discretion in International Commercial Arbitration Franco Ferrari, Friedrich Rosenfeld, Dietmar Czernich, 2020-09-25. The

absence of a coherent body of case law on due process has increasingly motivated recalcitrant parties to use due process as a strategic tool thereby putting at risk the prospect of obtaining an enforceable award in expeditious proceedings. Countering this inherent danger here for the first time is a comprehensive study on due process as a limit to arbitral discretion showing how due process applies in practice in key jurisdictions around the world. Based on country reports prepared by leading arbitration practitioners and academics, the book explores how courts in major arbitration jurisdictions apply due process guarantees when performing their post award review. The contributors, driven by an interest in exploring the interplay between due process and efficiency, focus on those due process guarantees that set limits to arbitral discretion. Matters covered include the following: the right to be heard and how it may be affected by submission deadlines; evidentiary offers by the opposing party; directions to the parties as to which aspects require further pleading; the right to be treated equally and its interplay with the duty to give each party full opportunity to present its case and to comment on submissions and evidence filed by the other party; the duty to effect proper notice including delivery and language issues; the independence and impartiality of arbitrators with a focus on when an arbitrator's conduct can become the basis for a successful challenge; and courts' standards of deference when examining issues arising at the post award stage. An introductory general report thoroughly analyses the normative basis of due process and its interplay with party autonomy as well as applicable standards of review and commonalities among manifestations of due process across jurisdictions. A signal contribution to the debate regarding the so-called due process paranoia affecting arbitral tribunals, a topic relevant in every single arbitration proceeding, this book provides practical guidelines on how to maintain the balance between due process and efficiency and how to apply due process and counteract its misuse in arbitration proceedings. It will be welcomed by counsel, arbitrators and judges from all countries as well as by academics and researchers concerned with international commercial arbitration.

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